

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 3:11-00203-03

CECIL RICE

also known as "J"

also known as "Murder"

MEMORANDUM OPINION AND ORDER

Today the Court heard evidence and oral argument concerning the Government's Motion for Revocation of Order Releasing Defendant on Bond (ECF No. 190). As discussed on the record, the Court finds there is a reasonable likelihood that Defendant would appear for future court appearances based on the conditions of bond imposed. However, the Court disagrees with the Magistrate's finding as to the risk of danger to the community. The Court finds that Defendant does pose a risk of danger to the community, that is, to both the Huntington area and the Detroit area where he would reside pending trial.

The Court makes this decision relying on the evidence presented by the Government. Defendant came to Huntington to engage in the distribution of narcotics. He was caught with heroin on his person when arrested. While in Huntington, Defendant stayed in a hotel room that was booked under his girlfriend's name. A search of the hotel room revealed drugs, money, and scales. Defendant has shown a willingness to deal drugs and to use others to help him accomplish this objective. He was engaged in this conduct up until the day of his arrest. Based on this evidence the Court **FINDS** that Defendant poses a danger to the community, **GRANTS**

the Government's motion (ECF No. 190), **REVOKES** the Magistrates's order releasing Defendant on bond (ECF No. 189), and **ORDERS** Defendant detained pending trial.

The Court **DIRECTS** the Clerk to send a copy of this written Opinion and Order to counsel and the defendant, the U.S. Attorney's Office, the U.S. Probation Office, and the U.S. Marshals Service.

ENTER: October 1, 2013



ROBERT C. CHAMBERS, CHIEF JUDGE